



Board of Election Commissioners for the City of Chicago
Minutes of Regular Board Meeting
December 11, 2018, 9:30 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
James P. Allen, Communications Director
Peter Peso, Deputy Chief Administrative Officer
Gary Ryczyn, Consultant
Geneva Morris, Videographer
Trish Sheehy

Guests:

Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)
C. Betty Magness, Rainbow PUSH Coalition

- I. **Call to Order:** The Chairwoman called the meeting to order at 9:33 a.m.
- II. **Roll Call:** All members were present.
- III. **Consideration of Agenda:** Commissioner Kresse moved to strike the approval of Minutes of the Special Board Meeting November 6, 2018, as that meeting was recessed and reconvened at a later date and the minutes therefore are incomplete at this time. Commissioner Swain seconded the motion. The motion was passed by 3:0 vote of the Board.

IV. Approval of Minutes

A. Minutes of the Regular Board Meeting of October 23, 2018:

Commissioner Swain made a motion to approve the Minutes of the Regular Board Meeting of October 23, 2018. Commissioner Kresse seconded the motion. The motion and the Minutes were approved by unanimous vote of the Board.

B. Minutes of the Special Board Meeting of November 6, 2018: This item was differed (See III, above.)

V. Executive Director's Report

Executive Director Lance Gough reported:

- Mr. Gough held a post-election debriefing with some of the managers on November 30th.
- We may have some new polling places and early voting sites.
- Warehouse setting up and preparing for next election.
- This is the longest period, about 7 months, of extended staff hours. We are going to let staff off on Christmas Eve at 1:00 p.m., New Year's Eve 1:00 p.m., Christmas Day and New Year's Day the office will be closed, and the staff will have full days off. Otherwise we are working 7 days a week.
- We have approximately 15 Wards that will be ready to go with Vote by Mail ballots as soon as we get the top of the ballot ready (after objections and any court cases are determined).

A. Assistant Executive Director

Assistant Executive Director Charles Holiday was absent due to coordinating Electoral Board related matters including Records Exams.

B. Communications Director

Communications Director Jim Allen reported:

- He has been busy with news media and Freedom of Information Act (FOIA) requests regarding candidates/objections filings.

- During this election Steve James (of the film *Hoop Dreams* fame) is working on a documentary. He is currently watching line-by-line objections and will be following up to and including Election Day, and possibly during post-election processes.
- The Board has had an agreement CPURx since 2013 to host the Board's website and manage web servers. Our agreement expired in September; they have been highly effective with traffic load. There is a lot more stress from us than originally contracted for, particularly mandating security protocols. They have asked for a modest 6% increase to support us through April or May of 2019. After that they are looking to move on. We are "too much" for them, and they have recommended some top tier resources for us, e.g., Microsoft. To cover the modest increase, Mr. Allen is putting in a purchase order for Mr. Gough's approval (as it is less than \$10,000). After the April election we will go through a bid process.

VI. Old Business

- A. Infrastructure Projects and Changes in Election Administration:** Mr. Gough indicated that right after the April election he plans on continuing where we left off on this project.
- B. Electronic Poll Books:** ES&S are meeting with the Board's IT people regarding Voter History; no sign off yet. Commissioner Swain inquired as to whether Media View will be available. Mr. Allen has sent request to ES&S regarding one change to the bar chart roll over, wants them to be presented differently. Mr. Allen said that they are considering possibly using screen shots that include data and bar charts that are refreshed hourly.
- C. Voting Equipment:** Nothing new to report at this time.
- D. Legislation:** General Counsel Adam Lasker reported that the veto session is over. The pre-trial detainee bill that we were tracking was vetoed and so was the bill that includes Crosscheck and ERIC. The next legislative session begins the 2nd week of January.

If we are going to propose any new legislation, it can be proposed at any time, but preferably at the beginning of a session

There was a discussion as to some of the topics for which the General Counsel and the Board may wish to propose legislation. Among the

topics: Vote Centers and Vote by Mail (VBM); having students out of school on election day. Also the requirement that Early Voting should start 40 days before Election Day should be rolled back; as Mr. Lasker pointed out, the February election is less than 40 days before the April election.

Commissioner Swain suggests we revisit legislation about signing petitions for the same office and party during the same election. The technology has developed to determine who has signed multiple petitions, but it causes a burden on voters as to prove which petition they signed first.

VII. New Business

A. Board action pursuant to 10 ILCS 5/10-8 and Section 500.11 of the Board's General Rules on Administration to determine whether the following petitions for advisory questions of public policy are in apparent conformity with mandatory provisions of the Illinois Election Code:

General Counsel Lasker explained that our staff has performed reviews of all petitions that were filed with us for the February 26, 2019 ballot and according to the Board Policy if there is an objection we let the objection run its course, if no objection the Board's staff reviews for conformity. The Board has reviewed all candidate petitions for which no objections were filed and found no cases of lack of apparent conformity. There were several referenda petitions for which no objections were filed (the objection filing deadline has passed), and there are some that did not fulfill the statutory requirement of a minimum signature requirement. Mr. Lasker pointed out that the Illinois Supreme Court, as recently as 2015 has ruled that ballot access signature requirements are a mandatory requirement and they are to be strictly enforced; there is no such thing as "substantial compliance". Mr. Lasker proceeded to inform the Board of the referenda petitions that the staff has identified as not fulfilling that requirement:

- There were two separate sets of petitions that were filed seeking to create an Austin Mental Health District. The signature requirement for each of the petitions would have been 2,835 signatures. The first set of petitions had only 1,323 signatures, the second set of petitions had only 1,854 signatures.

There were several advisory referenda petitions found to be problematic:

- One which would have created a marijuana tax revenue question in the 30th Precinct of the 16th Ward which would have required 19 signatures, but only filed 17.
- Assessment Limits Referenda for Ward 19 that required 2,028 signatures, but only 10 signatures were filed.
- Marijuana Tax Revenue question for the 17th Precinct of the 24th Ward that required 21 signatures, only 20 signatures were filed.
- Assessment Limits Referenda proposed for Precinct 38 of Ward 48 required 47 signatures only 35 signatures were filed.

There were four other additional separate petition sets filed where they did not specify the Precinct or Ward or any of the territory for which they wanted the questions to be submitted. They left the lines blank and we would have no idea which ballot to put them on. The Election Code does require that each petition set have a heading that not only contains the information about the question itself, but also the territory for which it is to be proposed to the voters. That is a mandatory requirement and these have failed to meet that requirement:

- Homelessness Treatment referendum in an unspecified territory.
- Three separate questions that would have dealt with Assessment Limits in three unspecified territories.

Mr. Lasker reminded the Board that when the staff does signature reviews on these, they do not do a line-by-line analysis as to whether each individual signature is genuine or proper, all the staff does is count up the total of what is apparent on the face of the forms. With that in mind, Mr. Lasker proposed a motion to find that those referenda as described are not in apparent conformity with mandatory provisions of Illinois Election Code and they shall not be certified to the February 26, 2019 ballot.

Discussion ensued.

Commissioner Swain moved that the questions of public policy, as described by Mr. Lasker are not in apparent conformity and will not be certified to the ballot. Commissioner Kresse seconded the motion and the motion was passed by unanimous vote of the Board.

B. Approval of a Resolution authorizing disposal of records from the November 8, 2016, General Election in accordance with the Illinois Election Code and Local Records Act.

Mr. Lasker explained that certain records of State and Federal elections must be retained for at least 22 months following an election. It has been more than 22 months since the November 2016 election. There is no pending litigation related to that election. The materials are not “FOIA-able”. We need the space that these records are taking up to prepare for the next election.

Commissioner Kresse moved to approve the Resolution authorizing the disposal of the above referenced records. Commissioner Swain seconded the motion. The motion and the Resolution were passed by 3:0 vote of the Board.

VIII. Legal Report

General Counsel Adam Lasker reported:

- The Board’s Staff did a great job facilitating 181 cases.
- We have 18 new Hearing Officers who had participated in 6 hours of training, then a mock trial, and watched experienced officers in morning sessions before conducting their own initial hearings in the afternoon.
- The initial hearings were to schedule briefing sessions and they have all moved on from there.
- There are many Records Exams, and Assistant Executive Director Charles Holiday is coordinating them.
- The citywide offices had a 12,500 minimum signature requirement. There were many challenges to these signatures.

- Mr. Lasker noted that he had changed the 30 minutes initial hearing intervals to 15 minutes.

The Chair thanked Mr. Lasker for training and organizing the Hearing Officers. Things went very smoothly. Mr. Lasker pointed out that Barbara Goodman, a very experienced Hearing Officer (having worked as a Hearing Officer with the State Board, the County Clerk and with us) had set up the curriculum and the experienced Hearing Officers were great at mentoring the new Hearing Officers.

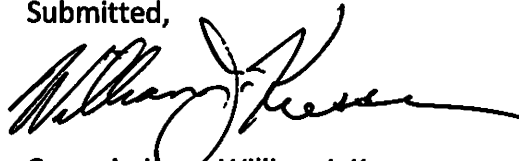
IX. Financial Report: none.

X. Public Comment: none.

XI. Executive Session: none.

XII. Adjournment: It was noted that the Board won't need a special board meeting before the next Regular Board meeting but will need to convene the electoral board. If there is a need for the Board to convene as the Board of Elections there will be enough time during the Electoral Board meetings to call a special Board meeting, if necessary. Commissioner Swain moved to adjourn until the next scheduled Regular Board Meeting of December 27th. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. The Board adjourned at 10:04 a.m.

Submitted,

A handwritten signature in black ink, appearing to read 'William J. Kresse', written over a horizontal line.

Commissioner William J. Kresse
Secretary